

115TH CONGRESS  
1ST SESSION

# S. 440

To establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 16), 2017

Mr. HOEVEN (for himself and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

# A BILL

To establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. PATTERSON LAKE LAND CONVEYANCES.**

4       (a) DEFINITIONS.—In this section:

5           (1) DEPARTMENT.—The term “Department”  
6 means Dickinson Parks & Recreation in Dickinson,  
7 North Dakota (or a successor in interest to that en-  
8 tity).

1                             (2) DICKINSON RESERVOIR.—The term “Dick-  
2       inson Reservoir” means the Dickinson Reservoir  
3       constructed as part of the Dickinson Unit, Heart  
4       Division, Pick-Sloan Missouri Basin Program, as au-  
5       thorized by section 9 of the Act of December 22,  
6       1944 (commonly known as the “Flood Control Act  
7       of 1944”) (58 Stat. 891, chapter 665).

8                             (3) PERMITTEE.—The term “permittee” means  
9       the holder of a permit for a property.

10                          (4) PROPERTY.—The term “property” means  
11       any one of the cabin sites located on Federal prop-  
12       erty around the Dickinson Reservoir for which a per-  
13       mit is in effect on the date of enactment of this Act.

14                          (5) SECRETARY.—The term “Secretary” means  
15       the Secretary of the Interior, acting through the  
16       Commissioner of Reclamation.

17                          (b) PURCHASE OF PROPERTY BY PERMITTEE;  
18       TRANSFERS TO DEPARTMENT.—

19                          (1) OPTION.—The Secretary shall provide to  
20       the permittee of a property the first option to pur-  
21       chase that property in accordance with paragraph  
22       (3) for fair market value, subject to the condition  
23       that the permittee shall pay to the Department any  
24       outstanding permit fees before the permittee may ex-  
25       ercise the option to purchase.

## 1                   (2)     DETERMINATION     OF     FAIR     MARKET 2                   VALUE.—

13 (3) PURCHASE.—

22 (ii) easements for—

23 (I) vehicular access to the prop-  
24 erty;

(II) access to, and use of, a dock  
for the property; and

17 (4) TRANSFERS TO DEPARTMENT.—

(B) CERTAIN OTHER LAND.—Effective beginning on the date that is 2 years after the

1           date of enactment of this Act, the Secretary  
2       shall transfer to the Department, without cost,  
3       land managed by the Department as of the date  
4       of enactment, on which no cabin is located.

5       (c) OIL, GAS, MINERAL, AND OTHER OUTSTANDING  
6       RIGHTS.—Each conveyance to a permittee, and each  
7       transfer to the Department, pursuant to subsection (b)  
8       shall be made subject to—

9           (1) oil, gas, and other mineral rights reserved  
10      of record, as of the date of enactment of this Act,  
11      by, or in favor of, a third party; and

12           (2) any permit, license, lease, right-of-use, or  
13      right-of-way of record in, on, over, or across the ap-  
14      plicable property or land that is outstanding to a  
15      third party as of the date of enactment of this Act.

16       (d) LIABILITY; TAKING.—

17           (1) LIABILITY.—The United States shall not be  
18      liable for flood damage to the personal property of  
19      a permittee or for damages arising out of any act,  
20      omission, or occurrence relating to a lot to which a  
21      permit applies, other than for damages caused by an  
22      act or omission of the United States or an employee,  
23      agent, or contractor of the United States before the  
24      date of enactment of this Act.

1                         (2) TAKING.—Any temporary flooding or flood  
2                         damage to the personal property of a permittee shall  
3                         not be considered to be a taking by the United  
4                         States.

5                         (e) REQUIREMENTS RELATING TO CONVEYANCES  
6                         AND TRANSFERS.—

7                         (1) INTERIM REQUIREMENTS.—During the pe-  
8                         riod beginning on the date of enactment of this Act  
9                         and ending on the date of conveyance or transfer of  
10                         a property or land, the provisions of the document  
11                         entitled “Management Agreement between the Bu-  
12                         reau of Reclamation, et al., for the Development,  
13                         Management, Operation, and Maintenance of Lands  
14                         and Recreation Facilities at Dickinson Reservoir”  
15                         that are applicable to the property or land shall re-  
16                         main in force and effect.

17                         (2) LEGAL DESCRIPTIONS.—Not later than 180  
18                         days after the date of enactment of this Act, the  
19                         Secretary, in consultation with the Department,  
20                         shall provide to the Department a legal description  
21                         of all properties and land that may be conveyed or  
22                         transferred pursuant to this section.

23                         (3) RESTRICTION ON CONVEYANCE.—Effective  
24                         beginning on the date of enactment of this Act—

1                             (A) a permittee may not build any new  
2                             permanent structure below an elevation of  
3                             2,430 feet; and

4                             (B) if a permittee builds a structure de-  
5                             scribed in subparagraph (A), the property of  
6                             the permittee shall revert to the Department.

7                             (f) PROCEEDS FROM SALES OF FEDERAL LAND.—

8       Any revenues from a sale of Federal land pursuant to this  
9       section shall be made available to the Secretary, without  
10      further appropriation, for—

11                             (1) the costs to the Secretary of carrying out  
12      this section; and

13                             (2) deferred maintenance activities relating to  
14      the operation of the dam in the Dickinson Reservoir.

